

Application No. 09/910,655

SOLARMOUNT I (Dual-Track rails)

Re: Proposed response to office action dated 11/17/06

- Claims 38 and 41-49 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claim 38 is herein amended to reflect that the clamps and keepers are positioned within the *channels* of the rail, not the hollow chamber, as reflected in the drawings (see FIG. 3 and FIG. 4, 16a and 16b). Claims 41-49 are dependent either directly or indirectly on claim 38 and are now in condition for allowance.
- Claim 36 is rejected under 35 U.S.C. §112, first paragraph, because the claim incorporates two separate embodiments of the clamps in FIG. 10 and FIG. 11. The claim is herein amended such that it is only directed to the claim in FIG. 11.

Rejections based upon the prior art

Examiner rejects claims 1, 3, and 4 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,529, 274 to Routh (hereafter "Routh"). Examiner further rejects claims 31, 32, and 37 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,778, 175 to Zimmer. Applicant respectfully traverses and requests examiner withdraw rejections to these claims.

Routh discloses a power distribution system comprising multiple track components for embedding within a ceiling or other building wall (Col. 1:15-17). It does not disclose "a rail formed with at least two tracks" because the track components, as can be seen in FIG. 3 and FIG. 4 of the reference, do not comprise a "rail" but rather multiple components assembled together to form a longitudinally-shaped track with a wireway (33) in the center. Routh also lacks the

"hollow chamber" limitation of the instant invention. The assembled track components disclosed by Routh, while leaving a space in the center of the assembly, is not a "chamber" within a single rail. Furthermore, because the track components are embedded within either dry or wetwall construction (FIGS. 7 and 8) and are not suitable for "removably and adjustably mounting a device on a surface" as recited in claims 1, 3, and 4.

Zimmer does not anticipate claims 31, 32, and 37 under §102. Zimmer does not disclose "a system for removably and adjustably mounting a device on a surface." The disclosure of Zimmer is directed towards a snap-locking structural joint assembly, not mounting a device on a surface. Zimmer fails to disclose a rail formed with at least two tracks "wherein the at least two tracks include a slot formed at substantially a right angle to the slot in any other of the at least two tracks." As seen in Zimmer FIGS. 1 and 2, the rails disclosed contain channels (16 and 17) that are substantially *parallel* to each another, not at *right angles* as required by the instant claims.

Furthermore, Zimmer does not disclose "one or more clamps for connecting the system to the surface". The clamp disclosed in Zimmer (22, FIG. 2) is to provide a means of connecting the structural joint assembly; the two-piece fastening clip means cannot connect the elongate structural assembly to a surface, only to other elongated structural members. Therefore, the prior art does not meet each and every limitation of claim 31.

Further, Zimmer does not disclose a "means for connecting the device to the rail" as in claim 37. Zimmer merely provides means for connecting the structural members to other structural members, and does not disclose or even contemplate any device to be connected to the assembly by way of clamps.

Applicant respectfully submits that Zimmer fails to anticipate the limitations of claims 31, 32, and 37 and requests that the rejection under 35 U.S.C. §102(b) be withdrawn and the claims allowed to proceed to issuance.